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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/848,904

Applicant(s)

CHRISTENSEN ET AL.

Examiner

HUNG T. VY

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. As of entry of the Applicant's response filed on 07/11/2008, claims 1-21 are pending in this application. Applicant's arguments with respect to claims 1-21 have been considered and are not persuasive (see response to the argument below).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 11-13, and 16-19 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Lebalng et al. (U.S. pat. No. US005574898A).

With respect to claim 1, Lebalng et al. discloses an apparatus for permitting a user to manipulate data within a data processing system comprising:

an enterprise server (106) (*i.e.*, "server machines 106" (fig. 1 and col. 6, line 17) containing a data base (*i.e.*, "a public storage device 20 and a private storage device 18" (col. 5, line 40-42 or fig. 1) or "stored in a VOB **database**" (col. 18, line 30-35)) having a plurality of data objects (*i.e.*, "This record is associated with objects involved in the operation. Typically, **the objects are versions or elements**, but they can also be the user-defined meta-data object discussed below" (col. 18, line 35-42)) ;

a version property associated with one of said plurality of data objects (*i.e.*, "This record is **associated with the object** involved in the operation. Typically, the **objects are version or element**" (col. 18, line 37-41) or "the storage device stores **attributes associated with each version of the objects...for accessing a version** of an object determined by the state of the associated attributes" (col. 3 line 32-40)) ;

a terminal (*i.e.*, "Client workstation supporting a single user 102" (col. 6, line 50-52)) having a session which generates a request under control of said user involving access to said one of said plurality of data objects (*i.e.*, "an object version selector for providing the processor **with access only to specific versions of target data objects** as determined by a set of selection rules" (col. 2, line 57-62) or "Branches 202 and version 201 can be assigned user-defined names of **easy access by the user**" (col. 7, line 1-5)) ;

a version list (*i.e.*, "The **list of versions** is constructed by auditing the actual UNIX file system 'open (2)' calls performed by the compiler and other tools participating in the build, which ensures the correctness of the config rec created" (col. 15, line 48-52)) associated with said session having an assumed version property (*i.e.*, "The version-control system automatically **associates** the config rec 234, with each derived object produced by build Scrip, for example ...automatically tracked by the version-control system" (col. 15, line 53-58) or "A linker is also provided for linking a common **identifying label** to each **object version** whose identity is recorded as an entry in an audit record associated with the **identifying label**" (abstract) or Fig. 9) ;

comparing means (*i.e.*, "compare versions" (col. 8, line 3)) responsively coupled to said data base (*i.e.* "stored in a VOB **database**" (col. 18, line 30-35) for comparing said assumed version property with said version property (*i.e.*, "An audit **record comparator** is provided for determining the difference between **source object versions** used in building two or more derived object versions" (abstract)); and

an update facility with update said version list from said database if said comparing means finds said assumed version property does not equal said version property (i.e., *"At this point, other views that select the most recent version on that branch will be **updated** to see the newly checked-in version"* (0047) or *"Each file element type has a type manager program associated with it, which handles all elements of that type, for example, storing and retrieving individual version, **comparing version**, and so on...it computes deltas(incremental **differences**) between successive versions"* (col. 20, line 62-67 and col. 21, line 1-3)) .

With respect to claim 6, Lebalng et al. discloses an apparatus and a method of maintaining synchronization within a system permitting to a user to utilize a terminal (i.e., *"Client workstation supporting a single user 102"* (col. 6, line 50-52)) to access a plurality of instance of a given object within an enterprise server objects (i.e., *"an object version selector for providing the processor **with access** only to **specific versions of target data objects** as determined by a set of selection rules"* (col. 2, line 57-62) or *"Branches 202 and version 201 can be assigned user-defined names of **easy access by the user**"* (col. 7, line 1-5)) ; comprising:

storing a version property within a data base containing said dataset object (i.e., *"a public storage device 20 and a private storage device 18"* (col. 5, line 40-42 or fig. 1) or *"stored in a VOB **database**"* (col. 18, line 30-35) or *"the Storage device stores **attributes associates** with each **version of the objects**"* (col. 3, line 31-35)).) ;

preparing a version list (i.e., *"The **list of versions** is constructed by auditing the actual UNIX file system 'open (2)' calls performed by the compiler and other tools participating in the build, which ensures the correctness of the config rec created"* (col. 15, line 48-52)) associated with a user session containing an assumed version property (i.e., *"the Storage device stores **attributes associates** with each **version of the objects**"* (col. 3, line 31-35) or *"The version-control system automatically **associates** the config rec 234, with each derived object produced by build Scrip, for*

*example ...automatically tracked by the version-control system" (col. 15, line 53-58) or "A linker is also provided for linking a common **identifying label** to each **object version** whose identity is recorded as an entry in an audit record associated with the **identifying label**" (abstract) or Fig. 9) ;*

requesting access to said dataset object from said user session *i.e.*, "*an object version selector for providing the processor **with access** only to **specific versions of target data objects** as determined by a set of selection rules" (col. 2, line 57-62) or "Branches 202 and version 201 can be assigned user-defined names of **easy access by the user**" (col. 7, line 1-5)) ;*

comparing (*i.e.*, "*compare versions*" (col. 8, line 3)) said assumed version property to said version property (*i.e.* "*stored in a VOB **database***" (col. 18, line 30-35) for comparing said assumed version property with said version property (*i.e.*, "*An audit **record comparator** is provided for determining the difference between **source object versions** used in building two or more derived object versions*" (abstract))

and updating said version list from said data base if said comparing step (*i.e.*, "*At this point, other views that select the most recent version on that branch will **be updated** to see the newly checked-in version*" (0047) or "*Each file element type has a type manager program associated with it, which handles all elements of that type, for example, storing and retrieving individual version, **comparing version**, and so on...it computes deltas(incremental **differences**) between successive versions*" (col. 20, line 62-67 and col. 21, line 1-3) or "*the type manager **updates** the data container when a new version is checked in*" (col. 34, line 25-27)) .

With respect to claim 11, Leblang et al discloses the same limitation as recited on claim 6 (see rejection on claim 6).

With respect to claim 12, Leblang et al. further discloses updating means responsively coupled to said comparing means for updating said version list if said comparing means finds said version property different from said assumed version

property (i.e., *"At this point, other views that select the most recent version on that branch will be updated to see the newly checked-in version"* (0047) or *"Each file element type has a type manager program associated with it, which handles all elements of that type, for example, storing and retrieving individual version, **comparing version**, and so on...it computes deltas(incremental differences) between successive versions"* (col. 20, line 62-67 and col. 21, line 1-3)) .

With respect to claim 13, Leblang et al. discloses wherein a publically accessible digital data communication network which couples said requesting means to said storing means (figs. 1-2, *"an object version selector for providing the processor with access only to specific versions of target data objects as determined by a set of selection rules"* (col. 2, line 57-62) or *"Branches 202 and version 201 can be assigned user-defined names of easy access by the user"* (col. 7, line 1-5)).

With respect to claim 16, Leblang et al discloses the same limitation as recited on claim 1 (see rejection on claim 1).

With respect to claim 17, Leblang et al discloses an update facility responsively coupled to said comparison facility and said version list which updates said version list if said comparison facility finds said version property different from said assumed version facility (i.e., *"Each file element type has a type manager program associated with it, which handles all elements of that type, for example, storing and retrieving individual version, **comparing version**, and so on...it computes deltas(incremental differences) between successive versions"* (col. 20, line 62-67 and col. 21, line 1-3) or *"the type manager updates the data container when a new version is checked in"* (col. 34, line 25-27)) .

With respect to claim 18, Leblang et al. discloses wherein said session is responsively coupled to said data base management system via a publically accessible digital data communication network (figs. 1-2, *"an object version selector for providing the*

processor **with access only to specific versions of target data objects** as determined by a set of selection rules" (col. 2, line 57-62) or "Branches 202 and version 201 can be assigned user-defined names of **easy access by the user**" (col. 7, line 1-5)).

With respect to claim 19, Leblang et al. discloses wherein said version list is stored within a first memory which is faster access time than a memory containing said dataset (*i.e.*, "store the identity of a selected object version in a cache memory" (col. 3, line 5-7) or "A version-caching scheme enables version selection to occur efficiently, enhancing the effect on system performance" (col. 10, line 61-62)) .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 2-5, 7-10 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leblang et al. (U.S. pat. No. US005574898A) in view of Underwood (U.S. Patent No. US007100195B1).

With respect to claim 2, Leblang et al. discloses said user session further comprises a Script object (*i.e.*, "Both for source file (elements) and for build target (derived objects)...if a build script" (col. 2, line 45-50)) but Leblang does not explicitly disclose a JavaScript object. However, Underwood discloses wherein JavaScript in user session (*i.e.*, "The **JavaScript** actions are capable of being executed upon detection of a user action involving one of the user interface objects" (col. 63, line 35-37)). It would have been obvious at the time

the invention was made to a person having ordinary skill in the art to modify Leblang et al.'s system by using JavaScript in order to create the good environment to provides a level of interaction fast and more complex between the clients and server and the useful and powerful of JavaScript language on its web server for the stated purpose has been well known in the art as evidenced by teaching of Underwood (*col. 1, line 60-68*).

With respect to claim 21, Leblang et al discloses the same limitation as recited on claim 1 (see rejection on claim 1) and Underwood discloses the Javascript with the same motivation of claim 2.

With respect to claim 3, Leblang et al. discloses each of said plurality of data objects has a separate version property associated therewith (*i.e., "the Storage device stores attributes associates with each version of the objects"* (*col. 3, line 31-35*)).

With respect to claim 4, Leblang et al. discloses wherein said terminal (104) is responsively coupled to said enterprise server (106) containing said data base via a publically accessible digital data communication network (*figs. 1-2 or UnderWood discloses on fig. 42*).

With respect to claim 5, Leblang et al. discloses wherein each of said version properties is stored within said data base (*i.e., "a public storage device 20 and a private storage device 18"* (*col. 5, line 40-42 or fig. 1*) or *"stored in a VOB database"* (*col. 18, line 30-35*)) .

With respect to claim 7, Leblang et al. and Underwood disclose the same limitation as recited on claim 2 (see rejection on claim 2).

With respect to claim 8, Leblang et al. discloses wherein said version list is stored within a first memory which is faster than a second memory wherein said database is stored (*i.e.*, “store the identity of a selected object version in a cache memory” (col. 3, line 5-7) or “A version-**caching** scheme enables version selection to occur efficiently, enhancing the effect on system performance” (col. 10, line 61-62)) .

With respect to claim 9, Avery et al. discloses wherein said requesting step occurs over a publically accessible digital data communication network (*i.e.*, “the mobile server per requests made by the mobile client device 202 when, for example, a user selects menu options or presses web document buttons via the Web browser 204 and user interface 214” (0028) or “user interface 114 is part of a thin client application, e.g., a Wireless Application Protocol (WAP) or Internet capable Web browser (e.g., Netscape or Microsoft Internet Explorer, etc.) on the mobile client device 102”(0026)) .

With respect to claim 10, Avery et al. discloses wherein said assumed version property is transferred via said publically accessible digital data communication network during said requesting step means (*figs. 1-2 and*, “an object version selector for providing the processor **with access** only to **specific versions of target data objects** as determined by a set of selection rules” (col. 2, line 57-62) or “Branches 202 and version 201 can be assigned user-defined names of **easy access by the user**” (col. 7, line 1-5) or UnderWood discloses on fig. 42).

With respect to claim 18, Leblang et al. and Underwood disclose the same limitation as recited on claim 2 (see rejection on claim 2).

With respect to claim 20, Leblang et al. and Underwood disclose the same limitation as recited on claim 2 (see rejection on claim 2).

- b. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leblang et al. (U.S. pat. No. US005574898A) in view of Spellman et al. (U.S. Patent No. US005917485A).

With respect to claim 14, Leblang et al. discloses all limitations of claimed invention recited in claim 13 except Mapper data base management system. However, Spellman et al. discloses Mapper data base management system (i.e., **"MAPPER"** is a commercially available data management and reporting system provided by Unisys Corporation" (col. 8, line 10-15)). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Leblang et al.'s system by using the Mapper data base management system in order to have data base management system in an efficient multi-user environment and to enable the user to utilize either access technique, the logic for each individual assistance function for the stated purpose has been well known in the art as evidenced by teaching of Spellman (col. 2, line 28-38).

With respect to claim 15, Leblang et al. discloses wherein said requesting means further comprising an industry standard personal computer (fig. 2) .

Response to Arguments

4. Applicant's arguments with respect to claims 1-21 have been considered but are not persuasive. Applicant made the following arguments:

- a. *"Unlike Applicants' invention which is dedicated to "synchronizing Dataset Object Properties" (see title), Leblang is concerned with controlling "Dynamic software version" (see title). IN other words...the nature of the "Version property"; and the structure and operation of the comparisons facility" pages 11-12.*

Examiner's remarks:

5. Examiner does not agree with Applicant's argument since claim recites "plurality of data objects", the data can be anything such as information, item of information ¹ and included the software (software is on kind of the data or information) and "version property associated with one of said plurality of data object", the version is a particular issue or release of a hardware product or software title². Further, the Applicant admitted that "Though both are associated with "version" control of "Objects"" (page 11, lines 10-11) and therefore, Leblang teaches the same claimed invention such as "data object", "version" since the claim does not recites "data object" is "the physical data base table", "version property value of the data base table...stored in the JavaScript object" as Applicant's argument. The Applicant's argument does not support the claim's language. Based on the MPEP, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "physical data base table", "version property value of the data base table...stored in the JavaScript object") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Leblang et al. discloses "software program" but also discloses the data objects as claimed invention (i.e., "*versions of objects are accessed by a processor during a data processing process*" (abstract)) and no distinction between the "data object" of claimed invention and "data" in the references.

¹ Microsoft computer dictionary, fifth Edition.

b. *"Claim 1, for example, has six basic elements. The first element is "an enterprise server containing data base having a plurality of data objects"...the claimed "data objects" of the claimed "database" of the claimed "enterprise server""* pages 12-13.

Examiner's remarks:

Examiner does not agree with Applicant's. Applicant contends that Leblang et al. does not disclose or suggest "an enterprise server containing a data base having a plurality of data objects". Applicant's allegation has not been persuasive. In direct contradiction to Applicant's content, Leblang et al. discloses all limitation as Applicant's claim. For particular, the first element is "an enterprise server" is the server machines 106 in the reference and provides communication for software developer to versioned Object Bases 102 (VOBs) (*"a source data objects are stored mountable file systems 102" (col. 6, line 10-12)*) (Applicant's admitted on page 12, lines 17-18). Based on the definition of "enterprise server" is computer which performs an essential service for a large organization and Fig. 2 shows clearly "a large organization" (multiple computer 106 (large organization), 102). All recited "pieces" in the office Action **is related** to rejection of the claimed invention. Examiner clearly shows each limitations of claimed invention in the reference. Leblang et al. discloses clearly a database having plurality of data object (see the rejection above or *"stored in a VOB database" (col. 18, line 30-35)*). Further, the public storage device 20 and private storage device 18 is one of the local storages that are connected to the network (see fig. 2) to create the enterprise server. Finally, "VOB's" which are object language descriptions of software programs or portions

² Microsoft computer dictionary, fifth Edition

(Applicant's admitted on page 13) and also is related to the data object (see explanation on part a above or abstract). VOB is also the data object of database (VOB database) (col. 18, line 30-35) as claimed invention. Examiner asserts that the Software is one kind of the data.

- c. *"The second claimed element is "a version property associated with one of said ...claimed by Applicants" page 13.*

Examiner's remarks:

Applicant's argument is not persuasive. Again, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the physical data base table and corresponding Javascript table object") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, Lebland disclose a version property associated with one of said plurality of data object (i.e., ***"This record is associated with the object involved in the operation. Typically, the objects are version or element" (col. 18, line 37-41) or "the storage device stores attributes associated with each version of the objects...for accessing a version of an object determined by the state of the associated attributes" (col. 3 line 32-40))***).

- d. *"The third claimed element is "a terminal having a session which generates a request involving access to said one of said plurality of data objects". Because Leblang does not disclose these limitations...because it is a software development tool" pages 13-14.*

Examiner's remarks:

Examiner does not agree with applicant's argument and Examiner does not ignores the claimed "session", the claim recites "a terminal having a session which generates a request under control of said user involving access to said one of said plurality of data object" and Leblang discloses place or thing to generate a request under control user of said user involving access (*i.e.*, *"an object version selector for providing the processor with access only to specific versions of target data objects as determine by a set of selection of rules"* (col. 2, line 57-62)) is equivalent to session which generates a request involving access to said one of said plurality of data object or Fig 23 show the session to generate a request to access object.

- e. "The fourth claimed element is limited by the claimed "version list" associated with the claimed session...in Leblang with the claimed "updating" of the "version list" page 14.

Examiner's remarks:

Applicant's argument is not persuasive and Examiner cites all relating and the same with the claimed invention (see rejection above). For particular, Leblang discloses the version list (234) (fig. 6) associated with said section (applications 210)(fig. 6) having an assumed version property (*i.e.*, *"The version-control system automatically associates the config rec 234, with each derived object produced by build Scrip, for example ...automatically tracked by the version-control system"* (col. 15, line 53-58) or *"A linker is also provided for linking a common identifying label to each object version whose identity is recorded as an entry in an audit record associated with the identifying label"* (abstract) or Fig. 9) . There are no distinction between the "session" of claimed invention and the "applications" of reference. Again, Leblang discloses "version property" (*Examiner assert that anything or label or version rules is the*

property of version, for example, "file element "util.c" 200 has the version tree structure show" (col. 8, line 45-47)) or "version list" " (i.e., "list of versions" (col. 15, line 48-52) or fig. 6 shows version audit information).

Lablang discloses "comparing means" in order to mapping "the assumed version property" with version proper (version selection mechanism and Examiner asserts that in order to mapping the version, the system has to compare the version based on the version selection rules) (fig. 6). Applicant admitted that Lablang discloses "audit comparator" for comparing software "source code" (page 14) and meets with claimed limitation. One more time, Applicant again argues about the "software" and Examiner asserts that software is one kind of data. As a result of Leblang has all limitations of claimed invention.

- f. *"Claim 6 is an independent method claim having five steps as limiting elements....is the same as updating the claimed "version property" pages 15-16.*

Examiner's remarks:

Applicant's argument is the same with the Applicant's argument on a, b, c, d and e above.

- g. *"Claim 11 contains "means-plus-function" limitations which must be examined in accordance with MPEP 2181-2184. Clearly, this has not been done...the numerous errors discussed above and for failure to be examined" page 16.*

Examiner's remarks:

Examiner does not agree with Applicant since all limitations of claim 11 are recited in claim 6 or in the Leblang's reference. Therefore, the rejection of claim 11, and all claims depending therefrom are proper.

h. *“Claim 12 depends from claim 11 and is further limited by “updating means responsively coupled to said comparing means for updating said version list if said comparing means finds said...The rejections of claim 12 is respectfully traversed” pages 16-17.*

Examiner's remarks:

Applicant's argument is not persuasive since this argument repeat to the argument on part e that included the limitations “comparing mean”, “version property”, etc (see above).

i. *“Claim 13 depends from claim 12 and is further limited by “a publically accessible digital... The rejection of claim 13 is respectfully traversed” page 17.*

Examiner's remarks:

Applicant's argument is not persuasive since Leblang discloses clear the digital data communication network (see fig. 2). There are no distinction between the claimed “network” and Leblang's network.

j. *“Claim 16 is an independent Jepson-type apparatus claim having three improvement laminations. Instead of actually examining claim 16, the Examiner...to be examined as required by controlling law” pages 17-18.*

Examiner's remarks:

Examiner does not agree with Applicant since all limitations of improvement of claim 16 are recited in claim 1 or in the Leblang's reference. Therefore, the rejection of claim 16, and all claims depending therefrom are proper.

k. *“Claim 17 depends from claim 16 and is further limited by “update facility responsively coupled to said comparison facility...the rejection of claim 17 is respectfully traversed”* page 18.

Examiner's remarks:

Examiner does not agree with Applicant's argument since Leblang discloses "version list", "assumed version property" (see response on part e above). Examiner does not ignore any single limitation recited in claim and the citing in the rejection is relevantly and Applicant's admitted that Leblang discloses "updates the software under development" (page 18) and that meets the claimed language.

l. *“Claim 18 depends from claim 17 and is further limited by “wherein said session is responsively coupled to said data base management system via a publicly accessible digital data communication...The rejection of claim 18 is respectfully traversed”* pages 18-19.

Examiner's remarks:

Examiner does not agree since Leblang discloses "session", "network" as claimed (see on response e above).

m. *“Claim 19 depends from claim 18 and is further limited by “wherein said version list is storedclaim 19 is respectfully traversed”* page 19.

Examiner's remarks:

Examiner does not agree since Leblang disclose "version list" as claimed (see on response e above). Again, Examiner asserts that software is one kind of data.

- n. *"Claim 21 is an independent apparatus claim having six limiting elements. Instead of actually examining claim 21...claim 21 is respectfully traversed"* pages 19-20.

Examiner's remarks:

Applicant's argument is not persuasive. The first of all, the limitation "JavaScript object session" is the same with the limitation recites on claim 2 and Examiner had addressed this limitation "javascript object session" on page 7 of previous office action. Therefore, the Leblang and Underwood teach all limitation recited on claim 21.

- o. *"Claims 2-5, 7-10, and 20 have been rejected under 25 U.S.C. 103(a) as being unpatentable over Leblang in view of U.S. Patent ...The rejection of claim 20 is respectfully traversed"* pages 20-24.

Examiner's remarks:

Examiner does not agree with Applicant's argument. Applicant argues that an Examiner must show three required as motivation, reasonable likelihood of success of alleged combination and the alleged combination. Examiner established a prima facie case of obviousness to combine Leblang in view of Underwood in order to create the good environment to provide a level of interaction fast and more complex between the clients and server and the useful of javascript language on its server. One person having ordinary skill in the art knows how useful to use the Java and Java is the same environment as object oriented. Both the references teach to the same filed as

object and oriented. Applicant argues about the limitation recites on claims 2-4, 5-10 and 20 are the same Applicant's argument on part a-n above.

p. *"Claims 14-15 have been rejected as unpatentable over Leblang in view of Underwood and further in view of U.S. Patent No. 5, 917, 485, issued to Spellman et al. (hereinafter referred to as "Spellman". This ground of ...the Examiner to make any of the three showing required MPEP 2143" pages 24-26.*

Examiner's remarks:

Applicant argues about the motivation and Leblang has no data base management system at all. The motivation to combine Leblang and Spellman was explained on the office action above. With or without the teaching of Spellman et al., Leblang shows every limitation as recited in the claim. The added Spellman et al. reference teaches another kind of data base management system as Mapper since all the data base system has the management in order to maintain, stable and organize the data or information in the data base.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung T Vy/

Primary Examiner, Art Unit 2163

October 16, 2008

